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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,616	01/31/2005	Eiji Terada	264749US0PCT	8421

22850 7590 08/28/2006

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,616

Applicant(s)

TERADA, EIJI

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/31/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al, US 6,923,954.

Doi et al teach a conditioning shampoo comprising 13% of a mixture of alkyl sulfate and alkyl ether sulfate anionic surfactants, 0.4% of a mixture of cationized cellulose and cationized guar gum, and 2.5% of a mixture of polydimethylsiloxane and amine functionalized siloxane conditioning agents (col. 17, example 10). Suitable silicone conditioners of the invention are amine modified silicones, polyether modified silicones, and amino-modified siloxane polyoxyalkylene block copolymers (col. 3, lines 66-67), the last of which satisfies the silicon derivative presently claimed. As the reference teaches this last conditioner as suitable, and equivalent to other functionalized siloxanes, like the amine siloxane of example 10, it would have been obvious to one of ordinary skill in the art to add this last conditioner to, or substitute it for the amine siloxane of example 10 with a reasonable expectation of successfully obtaining an effective conditioning shampoo.

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3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Visscher et al, US 5,154,849.

Visscher et al teach a skin cleansing toilet bowl comprising approximately 52% of a mixture of alkyl sulfate and other anionic surfactants, 0.5% cationized cellulose, and 8.33% of a mixture of polydimethylsiloxane gum and fluid (col. 13, example II). Suitable silicone moisturizers of the invention are amine modified silicones, and polyether modified silicones, and these siloxanes may be endcapped with moieties such as hydroxyl, amino, ethylene oxide and propylene oxide (col. 4, lines 1-9). Note that either a polyether siloxane endcapped with an amino group, or an amino siloxane endcapped with hydroxyl, ethylene oxide, or propylene oxide group will satisfy the silicon derivative presently claimed. Further note that these silicones may be present in amounts as small as 0.5% (col. 16, claim 1). As the reference teaches functionalized siloxanes which fall within the definition of the silicon derivatives presently claimed, the examiner maintains it would have been obvious to one of ordinary skill in the art to add such a moisturizer to, or substitute it for the siloxane moisturizer of example II with a reasonable expectation of successfully obtaining an effective skin cleansing bar.


Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art teaches shampoos containing the silicon derivatives presently claimed, further demonstrating that such components are known in the art for use in conditioning shampoos.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571 272 1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles I Boyer
Primary Examiner
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